FILE DESCRIPTION

NEW YORK FILE

SUBJECT Abraham Brothman

FILE NO. 100-96341

VOLUME NO. Subfile

SERIALS 1A10
thru
1A18

FREEDOM OF INFORMATION AND PRIVACY ACTS

SUBJECT: ETHEL ROSENBERG/JULIUS ROSENBERG

(ABRAHAM BROTHMAN)

NEW YORK FILE

FILE NUMBER: 100-96341

VOLUME NUMBER: SUB FILE

SERIALS: 1A10 THRU 1A18

FEDERAL BUREAU OF INVESTIGATION

Inventory Worksheet
FD-503 (2-18-77)

VOLUME 2 (Culley Exhibits) NEW YORK FILES

Inv. by [illegible]

REVIEWED BY _____

File No: 100-96341 Re: Abraham Brothman

Date: 6/78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
1A	7-20-54	Exhibit envelope	1	1	
1B(12) to 1A(10)	8-16-50	Exhibit envelope with photostat of 4 checks deposited by Mr Moskowitz for bail	2	2	
1B(13) to 1A(11)	9-8-50	Exhibit envelope with copy notice of defense motion for Bill of Particulars 9-11-50	2	2	
1B(14) to 1A(12)	9-18-50	Exhibit envelope with tables containing notes by Mr Moskowitz	19	19	Best copy possible
1B(15) to 1A(13)	10-11-50	Exhibit envelope with copy opinion denying Bill of Particulars	8	8	

FBI/DOJ

Inventory Worksheet
FD-603 (2-15-77)

VOLUME 2 (Bulky Exhibit) NEW YORK FILES

REVIEWED BY Sam. Ap Jul

File No: 100-96341 Re: Abraham Brothman

Date: 6/78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
1B(19)to 1A(14)	1-8-51	Exhibit envelope with photostats of affidavits by Moskowitz to obtain return bail money	11	11	
1B(20)to 1A(15)	12-8-50	Exhibit envelope with copy examination in Supplementary Proceedings of Miriam Moskowitz	6	6	
1B(22)to 1A(16)	5-5-51	Photostat of Miriam Moskowitz appeal	25	25	
1B(23)to 1A(17)	5-9-51	Exhibit envelope with photostat of letter 4-29-51 from Friedman to N.A. Markowitz removed from A. Brothman in F.D.H.	8	8	Best copy possible

FBI/DOJ

Inventory Worksheet
FD-603 (2-18-77)

VOLUME 2 (Bulky Exhibit) NEW YORK FILES

Inv. by [illegible]

REVIEWED BY

File No: 100-96341 Re: Abraham Brothman

Date: 6/78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
1B (24) to 1A (18)	7-27-51	Exhibit envelope with photostat decision Circuit Court of Appeals	7	7	

FBI/DOJ

1A SUPPLEMENT

10. Photostats of 4 checks, total amount $18,000 deposited by Moskowitz with Clerk, USDC for bail.
11. Notice of Defense motion to request bill of particulars on 9-11-50.
12. 12. Tablet containing longhand letters and notes and shorthand letters and notes and shorthand letters and notes and shorthand notes left by Miriam Moskowitz and Womens House of Detention.
13. Opinion filed 10-11-50 denying motion for bill of particulars.
14. Photostatic copies of affidavits filed by Clare Moskowitz to obtain return of $25,000 bail.
15. Examination in supplementary proceedings of Moskowitz held 12-7-50.
16. Photostatic copy of appeal filed on behalf of Moskowitz.
17. Photostatic copy of letter 4-29-51 from Jacob Freidus to W. A. Markowitz, removed from A. Brothman's person in F. D. R.
18. Photostatic copy of decision of Circuit Court of Appeals in case of US v Brothman & Moskowitz.

NOTE: The above exhibits have been transferred from bulky green sheet section per. inst. of SA Hugh Thomas Forsha, 7-15-54.

Date Received 8/16/50

From AUSA Roy M Cohn
(Name of contributor)

SDNY
(Address of contributor)

By J M Collins
(Name of Special Agent)

To Be Returned Yes ( )
No (✓)

Description: 4 checks, Total amount $18,000, ~~was~~ deposited by Mockowitz with Clerk, U.S.D.C. for bail

File No 100-96341 ~~1012~~ 1910

CASHIER'S CHECK

The Broadway National Bank

Broadway 7th 19 No. 10171

PAY TO THE ORDER OF

Dollars

HUDSON COUNTY NATIONAL BANK

HUDSON COUNTY NATIONAL BANK ESTABLISHED 1851

2 August 1884 $ 100.00

AUG 15 1950

The Sum of $4000 and 00 Cts

CASHIER'S CHECK

NINTH FEDERAL SAVINGS AND LOAN ASSOCIATION

32 132 7533 2 2

ID NUMBER OF THE ISSUER

A/C No. 57533 2 2 Nokowitz

New York N.Y. August 15 19 50 № 29366

PAY TO THE ORDER OF Clerk, Union Baton Rouge Corporation $ 4,000.00

EXACTLY $4000 AND 00 CTS DOLLARS

JEFFERSON COUNTY

BROADWAY AT 30TH STREET

NINTH FEDERAL SAVINGS AND LOAN ASSOCIATION

32 132 7533 2 2

ID NUMBER OF THE ISSUER

A/C No. 57533 2 2 Nokowitz

New York N.Y. August 15 19 50 № 29365

PAY TO THE ORDER OF Clerk, Union Baton Rouge Corp. $ 5,000.00

EXACTLY $5000 AND 00 CTS DOLLARS

JEFFERSON COUNTY

Date Received 9/8/50

From AUSA Roy Cohn
(Name of contributor)

SDNY
(Address of contributor)

By T M Keller
(Name of Special Agent)

To Be Returned Yes ( )
No (✓)

Description: Notice of Defense motion to request bill of particulars on 9/11/50

File No. 100-96341-~~6~~ 1411

(Copy)

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK

----------x

UNITED STATES OF AMERICA,

C 133-106

-v-

ABRAHAM BROTHMAN and MIRIAM MOSKOWITZ,

Defendants.

----------x

S I R :

PLEASE TAKE NOTICE, that the undersigned will move this Court at the United States Court House, Foley Square, in the City of New York, County and State of New York, on the 11th day of September, 1950, at 10:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order requiring the United States to furnish the defendants herein, within a time to be specified therein, a written bill of particulars as to the following matters alleged in the indictment herein, as follows:

1. State the substance of the testimony given by Harry Gold before the Grand Jury with respect to the associations of Harry Gold with the defendants and with divers other persons, and let the Government state whether it claims such testimony was false, and if it does claim that such testimony was false, in what respects it was false.

2. State in what respects, and by what means the defendant, Abraham Brothman, urged, advised and persuaded Harry Gold to give false testimony before the Grand Jury.

3. Give the exact date on which Harry Gold testified before the Grand Jury, and state whether the Government claims the defendants committed any acts in furtherance of the alleged conspiracy after the date on which Harry Gold testified as aforesaid, and if so, what acts.

Dated: New York, September 5, 1950,

Yours etc.

WILLIAM L. MESSING
Attorney for Defendants
Office & P.O. Address

TO: IRVING H. SAYPOL, Esq.
United States Attorney
Foley Square
New York City

Date Received 9/18/50

From U.S. Marshal
(Name of contributor)

U.S. Court House
(Address of contributor)

By J. M. Collins
(Name of Special Agent)

To Be Returned Yes ( )
No (✓)

Description: Tablet containing longhand letters and notes and shorthand notes left by Miriam Moskowitz at Womens House of Detention

File No. 100-96341-~~1017~~ 1A12

Monday 8/7

Dear Chas,

Although I'll see you in court tomorrow I thought I'd write you anyhow.

I walk around with pencil & paper as constant companions. We have nothing to do all day long and the monotony of it drives the girls crazy. I do keep trying, however, reading much and trying to get a friendly influence in my vicinity. What appears to be seemingly little, to observe is really quite complicated — I chafe at my frustration in trying to understand the new speech I hear, the deep sad play of emotions, the smoldering, patient anger.

There are human beings thoroughly forgotten by society and thoroughly alone except for each other. They are here for murder, robbery, "pushing dope" and anything else that's anti-social. How they came by their crimes are usually all stories of how the system fails them — a more vivid indictment of the

rotrieves of our society I can't imagine. Each knows she did wrong and each, except for the homicidists whose crimes were ~~thoroughly~~ unpremeditated, expects to return to her former ways, for what else is there for them to do? The next time they'll be smarter — and of that there is no doubt because habit secrets here are exchanged generously.

Remorse? Only for having been caught. The bitter longing to be free, the muted, haunting wail at night — "I wanna go home" — do not contradict the absence of remorse.

We rise at 6^30, breakfast at 7 — for about 10 to 15 minutes. A half hour is allotted to feed 4 corridors, 2 at a time. Back to our "rooms" at 7^30 until the morning count at 8 am, when the officer's shift changes. At 8 we are permitted out of our rooms, but not out of the corridor. We have nothing to do until lunch which is at 12 noon, unless one is fortunate to have visitors. Visiting is almost a heartbreaking affair — one's visitor stands behind a thick glass window, shouts

figure 10-11

into a large telephone-like drum and one must keep one's ear and face atop the drum to hear and to speak. The voices come there reverberating, and because all the other "hostesses" and visitors are lined up at listening posts each only about 3 ft apart, the din of the "conversations" is an effective enough damper on having visitors at all.

Lunch at 12 - so it is called. Food and how it is prepared is a relative triviality, to most people, but to these girls, no matter how poor or humble their environment, this food is impossible. Breakfast is simply cereal, "coffee" and bread with jam. It is called coffee, but one would never recognize it by its taste. Lunch is always soup, potatoes, another vegetable and some variation of meat — in its last stages of decay. Dinner, can be merely a dish of noodles, or rice, or macaroni; jello, tea. To supplement this meager food allowance, the more fortunate girls who have money will buy sandwiches, coffee, cakes, candy or an orange when the commissary comes

to the floor at 2 pm. To add to the general unjust treatment of the inmates, it should be recorded that the commissary's prices are generally 2 - 5% higher than on the outside. The case that the commissary is run by Y.C.

The food is so badly prepared one often suspects deliberate sabotage in the kitchen. A cut will scandalous prove the others in her corridor with the solemn announcement that for first this morning will consist of sausages, corn fritters and hot biscuits, — and how many eggs (shrilled) will each want?

"When I get out....." Vague but comforting plans are ~~always~~ dreamed of. Good food is a prime anticipation, besides reunion with loved ones. 75% of the inmates are colored — most are under 25 — and many have children. The drug peddlers and the thieves see no future, to turning towards more "honest" work — they cannot earn enough at social labor to care for their needs and/or their dependents.

Officers are viewed with suspicion but ~~occasionally~~ the girls will concede an officer's genuine "intent" if she has been decent to

them. Most officers, however, brush off the necessary human attitude by addressing one as "dear". With the salutation "Dear" she then forgets ~~to prevent~~ that there is a human being she is talking to. Vague "rules" prevent an officer from doing more than a minimum to see that her charges are reasonably comfortable.

Women's House of Detention,
10 Greenwich St. NYC
Thursday

Helen:

Thought I'd drop you a line - as the junior member of ABA check do. (?!)

My sisters visited me every day this week except today — I had asked them not to bother today since there is anything special I have to tell them. Bail seems remote but I have an idea it will nevertheless be forthcoming. For one thing, a friend of mine with whom I had a date the last night of that evil, never-to-be-forgotten day of arrest somehow managed to find Syl — and came forward with a thousand dollars. I am certain the girls is in this or a like manner rising up were it improvertibly shady — and the amount will be forfeit, if anything. The only thing bothering me is Walter — if there were some means of telepathing your instructions to the sister I would be happily busy here all day long with my visions of the bailers crowding into the jail, and with no concern for bail.

The lawyer visited me yesterday and

the gave me the idea on the last picture. I understand your reactions and I do hope they are not lasting. There is no point in holding to them. When this is all over we'll straighten out the business and clean up all concerns with a fresh and very pecuniary viewpoint. In the meantime the main job I see is to keep my perspective fast so that when I am released I'll have something to go back to.

It is terrible - this business of being a prisoner - and I must confess not the happiest situation to be in! (I'm sure I have your sympathy!) What appears to be a complexity, simple, business and therefore relatively easy to explain and to understand is really quite complicated. I chafe at my frustration in trying to understand the new speech & laws, the unexpected use and flair of emotions, the frightening, latent anger. There must be a better way to correct anti-social offenders - but they seem to grow wiser, but worse.

Of course you are in a federal ~~institution~~ and gosing has it that compared to our State institution (which mine is) it is all but a country club! I do believe, however, that the federal gov't has a far more constructive approach to the treatment of criminals than the cities & states do. (My sociological background rising to the fore!)

At any event, I don't feel too bad about being here. For one thing, many aspects of the restrictions are a bit to lie in the evenings. And from all the tales I hear and read, this is eminently and nearly one wearing. I would not change places with a soldier today — even tho' they have nice way low and jungers — for they are being killed, and my incarceration is only a temporary discomfort. Anf for another thing, what matter for writing (above) is now within my grasp! Well — enough of this babbling. It just is hard to detach myself from trivia because it is all so unbelievable — these last 12 days. Forgive me from rattling on like this.

[illegible] really wishing you, as to consider
[illegible] if one of us gets his foot, it would
[illegible] a working with the other
[illegible] of having various [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] which [illegible]
[illegible] [illegible] [illegible] any force
[illegible] [illegible] [illegible] (I mist [illegible]
[illegible] [illegible] [illegible]) [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] we could show [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] advice [illegible]

In the meantime — [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

My [illegible] —
[illegible]

Letter to addressee?

[illegible]

1. If they are reluctant to [illegible] the contact what [illegible] we [illegible]?
2. [illegible] we [illegible] to [illegible] a [illegible]? [illegible]
3. If [illegible] IRG [illegible]
[illegible] to hold the [illegible]?
[illegible]

[illegible] Of [illegible]

Find out what the bank [illegible] in [illegible] will be done:-

- 15.66 Aug 10 (air conditioning)
- 84 Aug 1st (car)

Have payable to National City Bank, [illegible] [illegible] (Blue [illegible])

Hospital – 11th also X-ray lab etc.

2nd fl – Capt Collins, & Lieu. quarters, chapel (live there)

3rd fl – laundry, [illegible] room, commissary

4th fl – janitors, prisoners (187)

5th fl – court fl. [illegible] (murders, robbery, Feds.)

6th fl – men's cell also 7 & 8, [illegible] on 9.

10th fl – kitchen, officers' mess hall,

dentist & library

above 11 is roof.

6.30 rise & shave

7 breakfast

7.30-8 am – morning count

No exit from cell house in morning except

to see nurse or to deposit money for

[illegible] purchases. Mon, Wed & Fri draw money for canteen

visiting 10-11 weekdays

lawyers 9-5 weekdays

Dinner at 12 noon.

Back to cell house after dinner

1 pm – roof until 2 pm.

2.15 to 3 pm – commissary

3-4 pm afternoon count

4 – 5 [illegible] of cells that not out of condition

5 – 530 [illegible]

6 – 8 pee (of [illegible])

700 lock up

900 lights out

Learning + springing on Thursday

Inventory of Elels supplies – Saturday.

In Email:-

1. [illegible] (2) [illegible]
2. E.C. + M.M. [illegible]
3. P.C.? [illegible]
4. [illegible]
5. [illegible] "[illegible]" [illegible]
6. [illegible]
7. [illegible]
8. [illegible]

[illegible]

Eddie Rugan
902 Ditmas Rd.
Brooklyn N.Y.

[illegible] 67600

(Alto Rucum).

[illegible]

[illegible] 8-2-10

1. Should we split into two separate cases?

2. [illegible] — the [illegible] is [illegible]
[illegible] — we [illegible]

3. [illegible]

4. [illegible]

[illegible]

Abandon hope all ye who enter here.....

(2) [illegible]

[illegible] providing [illegible] "h" [illegible]

[illegible]

[illegible] "[illegible] hungry" [illegible]

[illegible]

Date Received 10/11/50

From AUSA Roy M Cohn
(Name of contributor)

S.D.N.Y.
(Address of contributor)

By T.H. Zeller
(Name of Special Agent)

To Be Returned Yes ( )
No (✓)

Description: Opinion filed 10/11/50 denying motion for bill of particulars

File No. 100-96341 ~~1A6~~ 1A13

#18935

United States District Court
for the
Southern District
of
New York

UNITED STATES OF AMERICA,

-v-

ABRAHAM BROTHMAN and MIRIAM MOSKOWITZ,

Defendants.

OPINION

EDWARD WEINFELD, D. J.

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK

- -X

UNITED STATES OF AMERICA, :

-v- :

C 133-106

ABRAHAM BROTHMAN and MIRIAM MOSKOWITZ, :

Defendants. :

- -X

This is a two count indictment. The first count charges conspiracy on the part of the defendants Abraham Brothman and Miriam Moskowitz. It alleges that between May 28th, 1947 and June 12th, 1950 they and one Harry Gold, a co-conspirator, but not named as a defendant, and other persons unknown to the Grand Jury, conspired to defraud the United States in the exercise of its governmental function of administering and enforcing the criminal laws of the United States and to influence and obstruct and impede the due administration of justice in violation of Title 18, United States Code, Section 241 (1946 Ed.).

Under this count it is further alleged that during the period of the conspiracy a Grand Jury for the Southern District of New York was conducting an investigation of possible violations of espionage and other Federal criminal statutes, which the defendants well knew. The indictment amplifies the

100-96341 ~~Dis~~ 1418

general charge by alleging four specific purposes as part of the conspiracy, as follows:

(1) The defendant, Abraham Brothman, and Harry Gold, the co-conspirator not named as a defendant in the indictment, would agree upon fictitious explanations of their associations with each other and divers other persons;

(2) When the defendant, Abraham Brothman, appeared before the Grand Jury, he would give false, fictitious, fraudulent and manufactured information concerning the aforementioned associations;

(3) Abraham Brothman would inform Harry Gold of the substance of his testimony before the Grand Jury, for the purpose of enabling the latter to conform his testimony thereto; and

(4) When Harry Gold appeared before the aforesaid Grand Jury he would give false, fictitious, fraudulent and manufactured information concerning the aforementioned associations, which would conform to the information theretofore given to said Grand Jury by the defendant, Abraham Brothman.

Thereafter the indictment sets forth four overt acts in pursuance of the conspiracy and to effect the objects thereof.

The second count charges that the defendant Brothman

100-96341-~~1~~-1418

on July 31st, 1947, corruptly endeavored to influence, intimidate and impede Harry Gold, a witness before a Grand Jury in the Southern District of New York, and did corruptly influence, obstruct and impede and endeavor to influence, obstruct and impede the due administration of justice therein. The general charge of obstruction is amplified by a charge that the defendant, knowing that Harry Gold had received a subpoena to appear before the Grand Jury inquiring into possible violation of the espionage laws, urged, advised and persuaded him to give false testimony before said Grand Jury. (Title 18, United States Code, Section 24, 1946 Edition).

The defendants moved for an order, pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure, directing the service of a bill of particulars of three specific items. They seek (1) the substance of the testimony given by Harry Gold before the Grand Jury with respect to his associations with the defendants and divers other persons, and whether the Government claims such testimony was false, and if so, in what respects; (2) the means by which it is alleged defendant Brothman urged, advised and persuaded Harry Gold to give false testimony before the Grand Jury; and (3) the exact date on which Gold testified before the Grand Jury and whether the Government claims the defendants committed any acts in furtherance of the alleged conspiracy after the date on which Gold testified, and if so, what acts.

100-96341 ~~TLS~~ 1A18

Rule 7(f) which is substantially a restatement of existing law on bills of particulars in criminal cases, authorizes the Court to direct the filing of a bill "for cause".

The requirement of an indictment is that (1) it shall advise the defendant of the nature and cause of the accusation in order that he may meet it and prepare for trial, and (2) after judgment be able to plead the record and judgment in bar of a further prosecution for the same offense. Wong Tai v. United States 273 U. S. 77; Bartell v. United States 227 U. S. 427, 431.

Sufficient cause is shown if the indictment fails to meet the foregoing requirements. In the instant case no affidavit of either defendant or the attorney representing them was submitted in support of the motion. No claim is made that the information enumerated in the motion is necessary to enable the defendants to prepare for trial and to meet the Government's case. On the contrary, when questioned by the Court upon the argument, counsel readily acknowledged that such was not the purpose of the motion. Thus there is eliminated any "cause" based upon a need for the particulars in preparation for trial and to avoid surprise thereat. Counsel's contention, however, was that the particulars are required to protect the defendants' rights against double jeopardy in the event of a conviction or an acquittal. Thus the claim of "cause" required before the motion may be granted is narrowed and is to be determined from the indictment.

Both counts of the indictment, the details of which are stated above, appear sufficiently clear and definite, the one charging the defendants with conspiracy to defraud the United States in the exercise of its governmental function in enforcing its criminal laws and to influence, obstruct and impede the administration of justice, and the other, charging Brothman with endeavoring to influence, intimidate and impede a witness and to obstruct the due administration of justice, to protect the respective rights of the defendants in bar of a further prosecution for the same offense upon a conviction or acquittal.

The indictment in the charging clause sets forth the specific violations of the particularly cited statute in substantially the statutory language. Ordinarily, an indictment in this form is sufficient. United States v. Kushner 135 Fed. (2d) 668. In the instant indictment the basic charge of violation of the statute is amplified in each count by giving information and particulars beyond that required to be stated. (Rule 7(c), Federal Rules of Criminal Procedure.) The conspiracy charge is elaborated and specified in five succeeding paragraphs prior to the allegations containing the overt acts.

So, too, in the case of the substantive count against the defendant Brothman. The indictment in its charging paragraph sufficiently meets the requirements of law; and here,

100-96341-~~110~~ 1418

too, the Grand Jury amplified the charge by setting forth in three succeeding paragraphs details which essentially give the defendant particulars as to the nature of the offense and the crime charged.

To grant this motion would require the Government to furnish its evidence to the defendants in advance of trial. Moreover, in view of the request for the testimony of Harry Gold before the Grand Jury, it would mean more than directing the filing of a bill of particulars. It would be tantamount to granting a partial inspection of the Grand Jury minutes. While the Court has the power to do so, it should rarely be exercised. No sufficient reason has been shown to justify it in this instance.

The motion is denied in all respects.

Dated: October 10th, 1950.

U.S.D.J.

100-96341-~~1~~ 1418

Date Received 1/8/51

From AUSA Paul RAO
(Name of contributor)

S.D.N.Y.
(Address of contributor)

By T H Zoeller
(Name of Special Agent)

To Be Returned Yes ( )
No (✓)

Description:
Photostatic copies of affidavits filed by Clare Mockowitz to obtain return of 25,000 bail.

File No. 100-96341-~~1B19~~ 1A14

December 21st, 1950

TO WHOM IT MAY CONCERN:

I am the uncle of Clara Moskowitz and Miriam Moskowitz, being the brother of their mother Rose [illegible] Moskowitz. In August, 1950, I loaned to my niece, Clara Moskowitz, the sum of Four Thousand Dollars which represented money I obtained by cashing in Savings Bonds which belonged to me. The money was to be used by my niece, Clara Moskowitz, as security for bail for Miriam Moskowitz and was to be returned to me by Clara Moskowitz when said bail was returned to her.

ALBERT HARRISON

rn before me this
th day of December 1950.
Malcolm Friedman
Notary Public

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN THE MATTER OF SUPPLEMENTARY
PROCEEDINGS

UNITED STATES OF AMERICA

Plaintiff-Judgment-Creditor

-vs-

[illegible] and
[illegible] OSKOWITZ

Defendant-Judgment-Debtor

AFFIDAVIT

[illegible]

STATE OF NEW YORK
COUNTY OF NEW YORK } ss:
SOUTHERN DISTRICT OF NEW YORK

[illegible] OSKOWITZ, being duly sworn, [illegible] and
says that [illegible] the [illegible] of the [illegible] and judgment
debtor, [illegible] OSKOWITZ, and the [illegible] and/or
Monroe, [illegible] and Bayonne, [illegible]

[illegible] on [illegible] 25,000.00,
[illegible] [illegible] OSKOWITZ.

[illegible] 1950, the [illegible]
[illegible] the United States District Court for the Southern
District of New York [illegible] OSKOWITZ [illegible]
Docket No. [illegible]-609, the sum of $25,000.00 [illegible] for
which he was [illegible] to pay [illegible] No. 67962. [illegible]
[illegible]

[illegible] of the [illegible] $25,000.00,
the money of [illegible] OSKOWITZ, [illegible] $5,000.00 of [illegible]
or $25,000.00 [illegible] the money of your deponent and [illegible]
withdrawn [illegible] the [illegible] [illegible]
Association of [illegible], 145 Broadway, [illegible]

[illegible]
11/909
0135-106

savings account under the names of "Clare Moskowitz and/or Rose R. Moskowitz" that being Account No. 57833. That all of the monies in said account was the personal property of your deponent and none was the property of my mother, Rose R. Moskowitz. That the balance of $22,000.00 was borrowed from friends and relatives in the amounts set forth below opposite the respective names of the individuals mentioned:

Morris Harrison 623 West 187th Street New York City		$ 4,000.00
Albert Harrison 146 Midland Avenue Kearney, New Jersey		4,000.00
Emil Moskowitz 240 Harrison Avenue Harrison, New Jersey		4,000.00
[illegible] Krug 38 [illegible] Ave Jersey City, N.J.	(Mortgage)	10,000.00

Morris Harrison and Albert Harrison are uncles of William and myself on the maternal side of our family, Emil Moskowitz is an uncle on the paternal side of the family.

In connection with the loan of $10,000.00 mentioned above, my parents gave a mortgage (copy of which is annexed hereto) to the lender as security for the repayment of the loan on the home which they own at 772 Boulevard, Bayonne, New Jersey.

WHEREFORE, I respectfully request that an order be made returning to me the sum of $26,000.00 deposited by me as aforesaid.

Sworn to before me this
day of December 1950.

Thomas E. [illegible]
NOTARY PUBLIC [illegible]
No. [illegible]
[illegible]

Clare Moskowitz

Sir:

You will please take notice that a

of which the within is a copy, was this day

entered in the within entitled action in

the office of the Clerk of the

Dated, N.Y.,

19

Yours, etc.

U. S. Attorney,
Attorney for Defendant

To

Attorney for

Form No. 350

United States District Court

SOUTHERN DISTRICT OF NEW YORK

IN THE MATTER OF SUPPLEMENTARY PROCEEDINGS

UNITED STATES OF AMERICA,

Plaintiff-Judgment Creditor,

vs.

ABRAHAM BROTMAN and [illegible]
HOSKOWITZ,

Defendants-Judgment Debtors.

Verified Notice

[illegible]

Attorney for Plaintiff
Attorney for Defendant

Due service of a copy of the within
is hereby admitted

New York, 19

Attorney for

Attorney for

ENTERED INDEXED COMPARED

COPY COPY

Mortgage

SIGMUND [illegible] WESKOWITZ and
ROSE H. WESKOWITZ [illegible]

To

[illegible]

Indexed under County Block No. 219

Dated August [illegible], 1950

Recorded in the Register's Office
of the County of Hudson on
the 24th day of August
A.D. 1950 in the Register's Office aforesaid
in Mortgage Book 2208 of
MORTGAGES for said County on page 116

COPY COPY

[illegible]

[illegible] RUBIN
[illegible] Broadway
Bayonne, N.J.

COPY

This Indenture,

[illegible] 15th

[illegible] One Thousand Nine Hundred [illegible]

Between [illegible] Bayonne, County of Hudson, State of [illegible]

[illegible] parties of the first part, mortgagor,

and [illegible] Avenue, in the City of [illegible] County of [illegible] State of New Jersey, party of the second part, mortgagee,

Whereas, the said [illegible] Bayonne, and [illegible] Bayonne, [illegible] second part, party of the second part, [illegible] justly indebted to [illegible] in the sum of [illegible] Thousand ($20,000.00) Dollars, lawful money of the United States of America, secured to be paid by [illegible] certain bond or obligation, bearing even date with these presents, in the penal sum of [illegible] Thousand ($20,000.00) Dollars, lawful money aforesaid, conditioned for the payment of the said sum of Ten Thousand ($10,000.00) Dollars, lawful money aforesaid, to [illegible] mortgagee, or assigns, on the [illegible] day of August, [illegible] which will be in the year One Thousand Nine Hundred and [illegible] and interest thereon to be computed from the date of these presents at and after the rate of [illegible] per cent per annum and to be paid in the following instalments: the sum of [illegible] ($50.00) Dollars on account of principal, the first instalment to be paid on the [illegible] day of October, 1950, and subsequent instalments on the [illegible] day of each and every month thereafter until the [illegible] day of [illegible], 195[illegible], when the entire balance together with arrears of interest shall become due and payable.

And it is hereby expressly agreed that should default be made in the payment of the said interest or any part of principal [illegible] or any part thereof, at the time when the same is made payable, or should any tax, assessment, water rent or other municipal or governmental charge, imposition or lien be assessed or imposed or levied upon the premises described in this mortgage and become due and payable, and should the said taxes [illegible] or any part thereof remain unpaid and in arrears for the space of [illegible] days after the same shall become due and payable, or should any of said tax, assessment, water rent or other municipal or governmental charge, imposition or lien, or any or either of them, remain unpaid and in arrears for the space of [illegible] days, then and from thenceforth, that is to say, at the expiration of the said [illegible] period, the whole of said principal sum of Ten Thousand ($10,000.00) Dollars, with all arrearage of interest, [illegible] shall, at the option of the mortgagee, or his heirs [illegible] or assigns, become and be due and payable immediately thereafter, although the period above limited for the payment thereof may not then have expired, any thing therein before contained to the contrary thereof in anywise notwithstanding, and the said mortgagee may, at the option of said mortgagee, pay such tax, assessment or charge, or any or all of them, and the amount so paid shall be added to and become part of the principal sum secured by the said bond and this mortgage, and shall be payable on demand with interest at six per centum per annum as by the said bond or obligation, and the condition thereof, reference being thereunto had, may more fully appear.

Now, this Indenture Witnesseth, that the mortgagor, for the more secure payment of the said sum of money mentioned in the condition of the said bond or obligation, with interest thereon, according to the true intent and meaning thereof, and also for and in consideration of the sum of one dollar, to the mortgagor in hand paid by the mortgagee, at and before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, released, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, release, convey and confirm unto the mortgagee, and to [illegible] heirs and assigns forever,

Provided [illegible] and these presents are upon this express condition that if the mortgagor [illegible] heirs executors administrators or assigns shall well and truly pay unto the mortgagee [illegible] or assigns the said sum of money mentioned in the condition of said bond or obligation and the interest thereon at the time and times and in the manner mentioned in the said condition according to the true intent and meaning thereof that then these presents and the estate hereby granted shall cease determine and be void.

And the mortgagor does covenant and agree to pay unto the mortgagee [illegible] or assigns the said sum of money and interest as mentioned above and expressed in the conditions of the said bond.

And it is also agreed by and between the parties to these presents that the mortgagor [illegible] heirs executors administrators or assigns shall and will keep the buildings erected and to be erected upon the lands above conveyed insured against loss or damage by fire [illegible] by insurers and in an amount approved by the mortgagee [illegible] or assigns and assign the policy and certificates thereof to the said mortgagee [illegible] and in default thereof it shall be lawful to the mortgagee to effect such insurance and the premium and premiums paid for effecting the same shall be a lien on the said mortgaged premises added to the amount of the said bond or obligation and secured by these presents payable on demand with interest at the rate of four [illegible] per annum from the time of payment of such premium or premiums and in default thereof for the space of (30) days after demand the principal sum hereof with all arrears of interest thereon shall at the option of the mortgagee [illegible] or assigns, become due and payable immediately thereafter.

And the said mortgagor [illegible] owner of the lands above described for [illegible] does covenant and agree to and with the said mortgagee [illegible] or assigns that he will pay the full amount of taxes rates or other levies upon the lands contained in this mortgage and will not claim any credit on account of any deduction from the interest or principal hereby secured by reason of the payment of any taxes rates or levies on the premises during the continuance of the lien of this mortgage and upon the breach of this covenant or any part hereof this mortgage may become and be due and payable immediately at the option of the mortgagee.

And the said mortgagor does covenant with the mortgagee that he is seized of an indefeasible estate in fee simple in said premises and will warrant and forever defend the title thereof unto the mortgagee [illegible] or assigns.

And said mortgagor [illegible] that if default shall be made in any of the aforesaid covenants or conditions the mortgagee [illegible] or assigns shall have the right forthwith after any such default to enter upon and take possession of the said mortgaged premises and to take the said premises and receive the rents issues and profits thereof and to apply the same after payment of all necessary charges and expenses on account of the amount hereby secured and said rents and profits are in the event of any such default hereby assigned to the mortgagee [illegible] or assigns and the mortgagee [illegible] or assigns shall also be at liberty immediately after any such default upon proceeding being commenced for the foreclosure of this mortgage to apply for the appointment of a receiver of the rents and profits of the said premises and be entitled to the appointment of such receiver as a matter of right [illegible] without consideration to the amount due the mortgagee [illegible] or the value of the mortgaged premises or solvency of any person or persons liable for the payment of such amount.

And it is agreed by and between the parties hereto that the mortgagor shall and will keep the building or buildings and improvements now on said premises or that may hereafter be erected thereon in good and substantial repair and upon failure so to do the whole indebtedness secured and represented by this mortgage and the bond accompanying same shall at the option of the mortgagee become immediately due and payable and also the mortgagee may enter upon the premises and repair or cause the same and the expense thereof shall be added to the principal sum secured hereby and bear interest.

The covenants herein contained shall bind and the benefits and advantages shall inure to the respectively heirs executors administrators successors and assigns of the parties hereto where appropriate the singular number shall include the plural the plural the singular the masculine shall be applicable to all genders and the term "Mortgage" shall include any extension or modification hereby secured or any transfer hereof whether by operation of law or otherwise.

In Witness Whereof the mortgagor has [illegible] and affixed his seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of

[illegible] (SIGNED) L.S.

[illegible] (SIGNED) L.S.

All that certain tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the City of Bayonne in the County of Hudson and State of New Jersey.

BEGINNING at a point on the southeasterly side of the Hudson County Public Road commonly called Boulevard, distant thereon ninety-five of ninety-nine one hundredths (95.69) feet southwesterly from the corner formed by the intersection of said side of said Boulevard with the southwesterly side of West 51st Street; thence running (1) southwesterly and parallel with West 51st Street ninety-three and eighty-two one hundredths (93.82) feet; (2) northwesterly thirty (30) feet; thence (3) northeasterly parallel with West 51st Street ninety-three and forty-seven one hundredths (93.47) feet to said side of said Boulevard; thence (4) northeasterly along said side of said Boulevard thirty (30) feet to the point or place of beginning.

BEING the same premises conveyed to Joseph Rodgers and Victor Codkinski, husband and wife, by deed of Annie Varin, widow, dated October 8th, 1923, recorded in the Register's Office of Hudson County in Book 502 of Deeds, page 387.

RECORDED in the RECORDER'S OFFICE of HUDSON COUNTY

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions and remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the mortgagor of, in and to the same, and every part and parcel thereof, with the appurtenances; To Have and to Hold the above granted and described premises, with the appurtenances, unto the mortgagee, its successors or assigns, to the only proper use, benefit and behoof forever of the mortgagee, its heirs

Date Received 12/8/50

From AUSA Paul Rao
(Name of contributor)

S.D.N.Y.
(Address of contributor)

By T. H. Collins
(Name of Special Agent)

To Be Returned Yes ( )
No (X)

Description: Examination in Supplementary Proceedings of Moskowitz held 12/7/50

File No. 100-96341/~~1500~~ 1A13

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

- X

In the matter of Supplementary Proceedings,

UNITED STATES OF AMERICA,

Plaintiff and Judgment Creditor,

-v-

ABRAHAM BROHMAN and MIRIAM MOSKOWITZ,

Defendants and Judgment Debtors.

EXAMINATION OF MIRIAM MOSKOWITZ

- X

Examination in Supplementary Proceedings, pursuant to writ of habeas corpus ad testificandum, returnable December 7, 1950, in Room 318, United States Court House, Foley Square, New York, New York, on which date the defendant MIRIAM MOSKOWITZ, the defendant and judgment debtor, was sworn in before the Honorable Sylvester J. Ryan, a United States District Judge presiding therein, after which the examination was conducted in Room 337, United States Court House, Foley Square, New York.

A P P E A R A N C E S

IRVING H. SAYPOL,
United States Attorney,

By VINCENT PAUL RAO,
Assistant United States Attorney,

JOHN M. COLLINS,
Special Agent,
Federal Bureau of Investigation,

THOMAS PARSON and
MRS. SARAH GOLDSTEIN,
Deputy United States Marshals,

WF:lc
114050
C 173-1 56

WILLIAM L. MESSING and
MORTIMER SATTLER,
66 Broad Street,
New York, New York,
Attorneys for the Defendants and
Judgment Debtors,

MIRIAM MOSKOWITZ and
ABRAHAM BROTHMAN,
Defendants and Judgment Debtors.

Stenographer: Louise Stern

EXAMINATION OF MIRIAM MOSKOWITZ:

BY MR. RAO:

Q. Miss Moskowitz, on November 28, 1950 you were sentenced to two years and a fine imposed of $10,000, for which you are to stand committed until the fine is paid. This fine has been entered as a judgment against you and I want to explain to you that this is an attempt on the part of the Government to collect this judgment. You were just sworn in by Judge Ryan in the District Court and you swore at that time to tell the truth. Should you not tell the truth to the questions I put to you you may be liable for an additional penalty over and above the sentence you are serving now. You understand?
A. Yes, I do.

Q. What is your full name?
A. Miriam Moskowitz.

Q. Your address?
A. 772 Boulevard, Bayonne, New Jersey.

Q. You were a partner of Abraham Brothman and together with him you were doing business under the name of Abe Brothman Associates?
A. We were.

Q. At what address?
A. 5925- 41st Avenue, Long Island City.

Q. Miss Moskowitz, you agreed to furnish us with all data and books which Mr. Brothman has already agreed to do with reference to the business and the accounts of the firm?
A. Yes, I do

Q. You as well as Mr. Brothman had equal rights and interest in the firm?
A. No.

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Q. What was your interest in the partnership business?
A. I don't remember, but the 1948 tax return should show it; I think fifteen or twenty-five percent.

Q. Have you any bank accounts?
A. No.

Q. Did you have any bank accounts in the past ten years?
A. Yes.

Q. In re?
A. Prairie City Savings, 33rd Street and Park Avenue.

Q. When did you close that account?
A. August, 1950.

Q. What was the balance on deposit at that time?
A. $25.

Q. Any other bank accounts?
A. None with the partnerships.

Q. Do you own any property?
A. No.

Q. Are you single?
A. Yes.

Q. With whom are you living?
A. I am in jail.

Q. I know, but prior to being remanded, with whom were you living?
A. I was sharing an apartment at 151 Eighth Avenue.

Q. Is that an apartment house?
A. Yes.

Q. How many rooms in that apartment?
A. Four.

Q. What was the rental?
A. $50. a month.

Q. You shared it with a friend?
A. With a married couple.

Q. Are you the legatee or devisee under the terms of any will or estate?
A. Not that I know of.

Q. Do you own a car?
A. No, I do not.

Q. Did you ever own a car?
A. No, I did not.

Q. Prior to your association with Mr. Brothman in this business were you in any other business?
A. No, I was not.

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Q. Do you own any stocks or bonds?
A. The same situation exists there as did with Mr. Brothman. I had - well, I had rights to certain stock which was held by someone else.

Q. Name the persons?
A. Claire Kornblau of Tested Chemicals, Inc., and I have asked that that stock be turned over to my father for his having borne my expenses for the trial and appeal.

Q. When did you purchase that stock?
A. That stock came to me as a result of the association with Ulster Chemicals, Inc. I didn't pay any money for it.

Q. To whom was the stock issued?
A. It was issued to Claire Kornblau.

Q. And transferred by Claire Kornblau to whom?
A. I don't know whether it was transferred, but she still holds it because my father's name is Moskowitz. The reason she holds it is because the other stockholders were unwilling to have the names of Moskowitz or Brothman appear on stocks. My father has gotten my stock besides the stock he does hold as a result of his own investment in Tested. My father will get my stock because he has borne the cost of the trial and will bear the cost of the appeal.

Q. Do you hold any insurance policies?
A. Yes, in Metropolitan Life and I believe for $1,000.

Q. Life Insurance Policy?
A. I believe so.

Q. When was that issued?
A. About fourteen years ago.

Q. Is it fully paid up?
A. I don't think so.

Q. Who is the beneficiary?
A. My mother.

Q. What is her name?
A. Mrs. Rose Moskowitz.

Q. Miss Moskowitz, the sum of $25,000. was put as security on your bail. Is that sum or any part of it yours?
A. No, it is not.

Q. Who furnished the sum to the Government?
A. My sister.

Q. What is her name?
A. Claire Kornblau.

Q. Where does she live?
A. 82 Sanforth Avenue, Jersey City, New Jersey.

Q. Are these sums entirely here?
A. No, they are not.

Q. They were borrowed from other people?
A. Yes.

Q. Relatives?
A. Relatives.

Q. Is your sister here now?
A. I believe she is. (She was in the hall)

* * * * * *

United States Court of Appeals

FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,

Appellee,

Cross-Appellant,

ABRAHAM BROTHMAN and
MIRIAM MOSKOWITZ,

Defendants-Appellants,

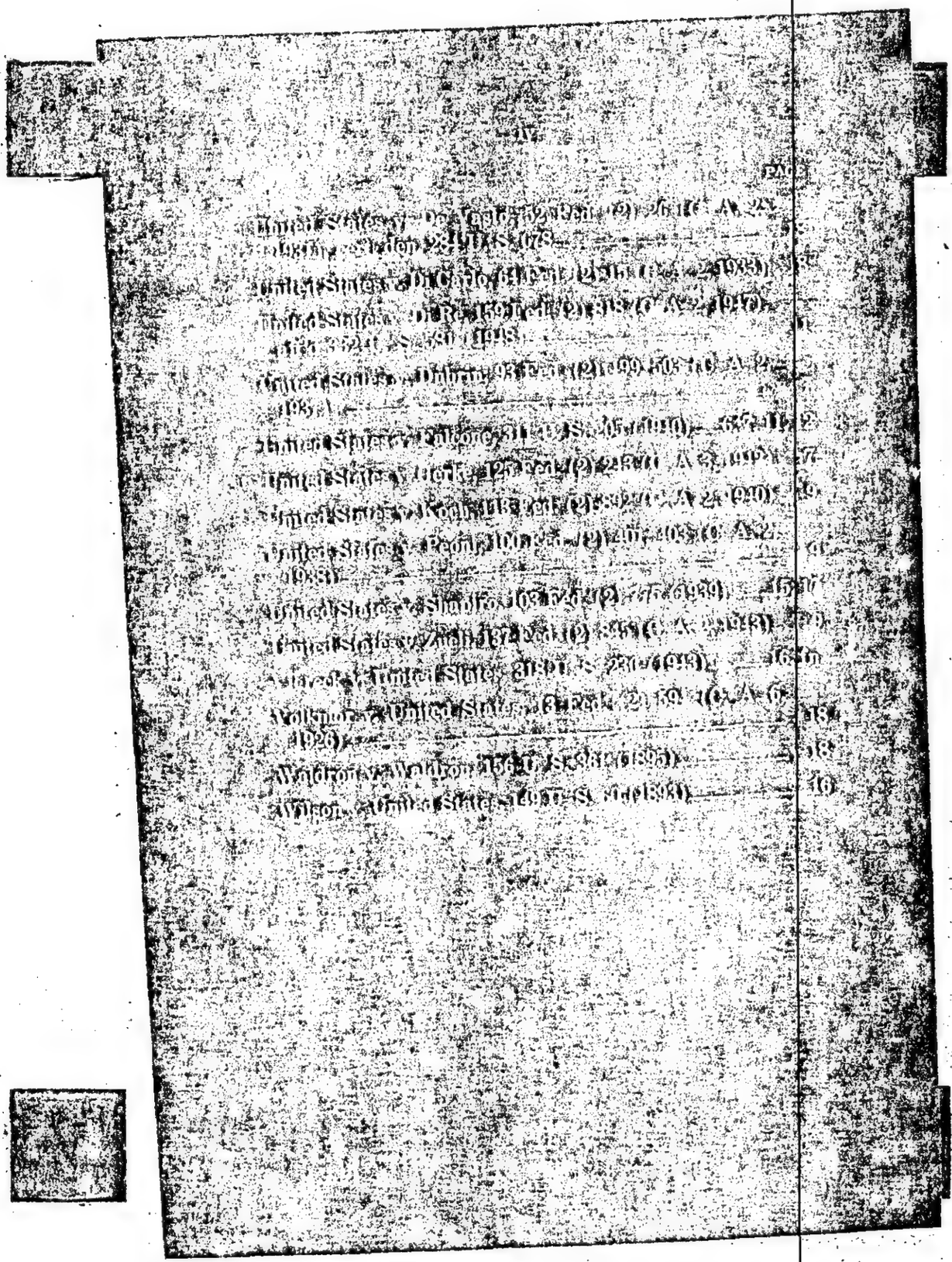
BRIEF FOR THE DEFENDANT-APPELLANT MIRIAM MOSKOWITZ

Attorney for Defendant-Appellant
Miriam Moskowitz

INDEX.

CASES CITED

[illegible]



United States Court of Appeals

For the Second Circuit

United States of America,
Appellee,

vs.

Abraham Brothman and Miriam
Moskowitz,
Defendants-Appellants.

BRIEF FOR THE DEFENDANT-APPELLANT MIRIAM MOSKOWITZ

Statement

[illegible]

[illegible]

The Background of the Indictment

[illegible]

The Indictment

[illegible]

Statutes Relied by the Defendant Moskowitz

[illegible]

1. The Government [illegible]

2. The defendant Moskowitz [illegible]

[illegible] Proceedings [illegible] the Moskovite [illegible]

[illegible]

[illegible]

[

[illegible]

Makowitz interrupted. She said that they were both [illegible] and that it was not time for them to get [illegible] because neither one of them was exactly [illegible] the color of their hair. (S.M. 665-667).

Although [illegible] Brothman received [illegible] [illegible] before the Grand Jury (S.M. 668). He was [illegible] that God or that he might be [illegible] upon to testify. He [illegible] from the view [illegible] (S.M. 668-669).

[illegible] the [illegible] Brothman received [illegible] Brothman and Makowitz individually or only [illegible] (S.M. 669).

[illegible] Makowitz [illegible] because Brothman [illegible] concerned because Brothman [illegible] the Grand Jury [illegible] (S.M. 669).

While Brothman was [illegible] Makowitz [illegible] and [illegible] Brothman was [illegible] (S.M. 670).

After Brothman testified before the Grand Jury [illegible] (S.M. 670). Brothman [illegible] (S.M. 670-673).

[illegible] Brothman [illegible] (S.M. 673-674).

[illegible] Brothman [illegible]

[illegible]

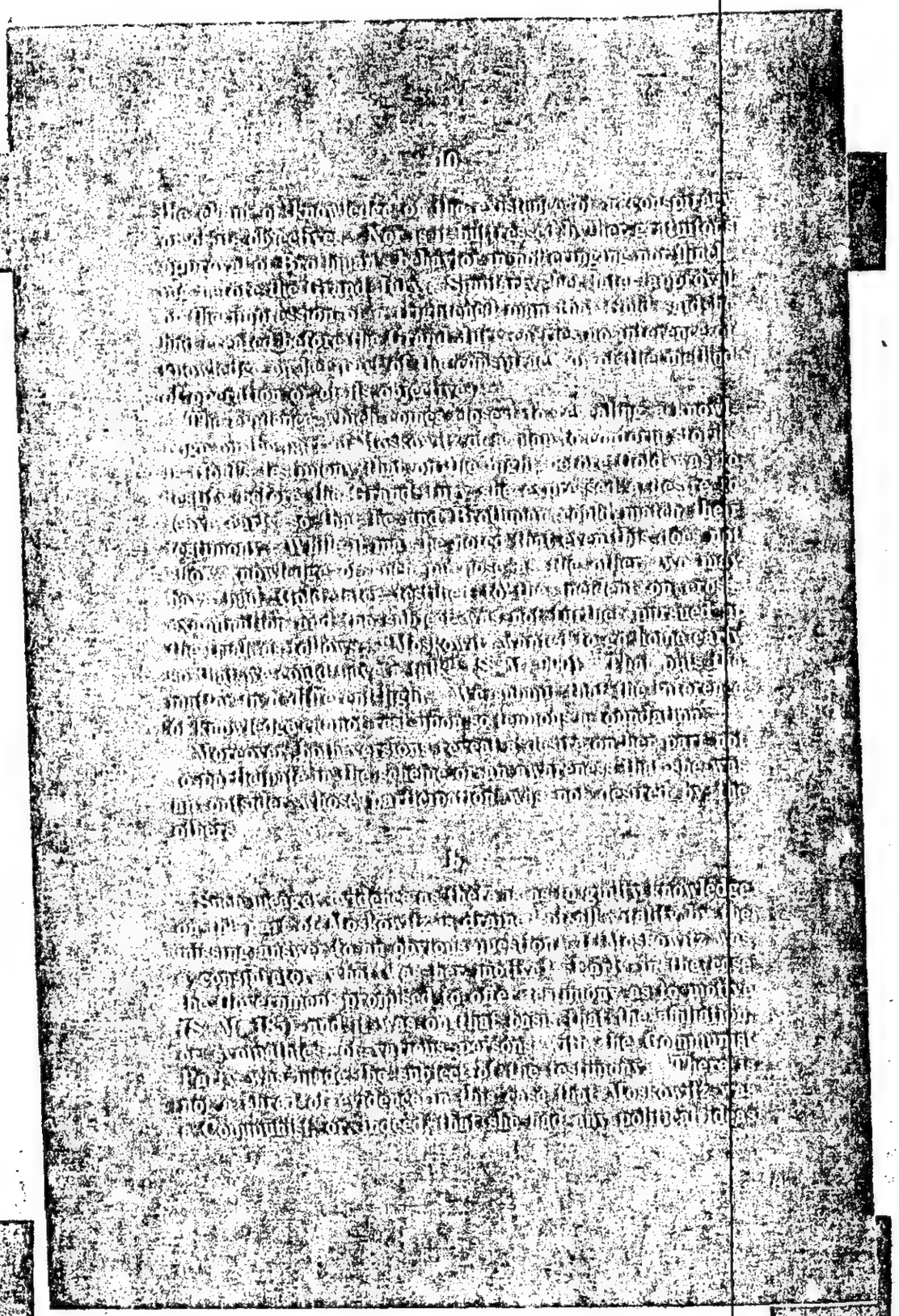
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]



[illegible]

POINT II

The defendant Moskowitz was prejudiced by repeated references to the failure to contradict the testimony offered by the prosecution.

1.

The following is an extract from the summation of the United States Attorney (S. M. 1077-1079):

> Mr. Saypol: . . . The truth of the testimony offered here by Miss Bentley, Gold and others is conclusively established by the failure of the defense to produce one solitary word contradicting any of this testimony.
>
> Mr. Kleinman: I must make an objection to that, if your Honor please, and I won't interrupt any more.
>
> The Court: Overruled. I will deal with that later properly myself.
>
> Mr. Saypol: There has not been a word regarding what was said in conferences with a lawyer named Kleinman who was consulted at the time of their appearances before the Grand Jury. . . . Not a single word has been uttered regarding that meeting on the night of September 29th, 1941. . . . Not a word has been uttered regarding that all night session at the hotel.
>
> Mr. Kleinman: If your Honor please, I simply want to state one objection and that is to the constant references to something which I submit to your Honor the District Attorney should not refer to. I think your Honor knows what I have in mind.
>
> The Court: I know very well what you have in mind. Overruled.
>
> Mr. Kleinman: Exception.
>
> The Court: I think Mr. Saypol is fully familiar with the rules and with the dangers of trespassing the rules. Proceed.
>
> Mr. Saypol: Indeed I am, your Honor, and I regret the interruption.

At another point (S. M. 1079):

> "Not one word was offered to show that anything Miss Bentley said was untrue."

The only ones [illegible] knowledge of the [illegible]
the [illegible] happened [illegible] those [illegible]
[illegible] [illegible]

[illegible] (Sir A. [illegible])

The second [illegible] [illegible]
general [illegible] of the [illegible]
[illegible] published by the [illegible]
[illegible] documents [illegible]
[illegible] to the [illegible] [illegible]
[illegible] been [illegible]
[illegible] by the [illegible]

Mr. Kenyon. I object [illegible] your Honor
please [illegible] to [illegible]
the declaration [illegible]

The Court. Defer.

Mr. Kenyon. Exception.

[illegible] (Sir A. [illegible])

Now, Peter Benley and John [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] between Brown
[illegible] [illegible]

[illegible] (Sir A. [illegible])

We have [illegible] testimony [illegible]
[illegible] [illegible]

[illegible] (Sir A. [illegible])

It has been [illegible]
[illegible] contradicted.

[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]

of statements that were made in her presence. On none of these occasions was anyone present but Gold and the defendants. On two of these occasions only Gold and Moskowitz were present. Only the defendants (or Moskowitz alone in connection with the latter occasions) could have contradicted Gold's testimony.

C.

When attention was called to the improper remarks of the prosecutor the response of the Court should have been immediate and positive. There should have been a prompt and emphatic condemnation of the prosecutor, a warning against repetition of the offense, an immediate admonition to the jury to disregard the impropriety and an instruction that failure to testify should result in no presumption against the defendants. *Wilson v. United States*, 149 U.S. 60 (1893); *DeMayo v. United States*, 32 Fed. (2) 472 (C.A. 8, 1929); *[illegible] v. United States*, 38 Fed. (2) 573 (C.A. 8, 1930); see *N. Y. Central R.R. Co. v. Johnson*, 279 U.S. 310, 318 (1929); *Berger v. United States*, 295 U.S. 78, 84-89 (1935).

A striking contrast to these requirements is furnished by the action taken at the trial. Not only was there a failure to take immediate action, but further impropriety was encouraged. The first objection was overruled, the Trial Judge simply stating that he would deal with that matter himself.

The second objection was overruled and followed by a gratuitous statement that the prosecutor was fully familiar with the rules and their limitations. This was immediately affirmed by the prosecutor. It implied that that was proper procedure.

Another significance may be attributed to the incident.

Cf. *Viereck v. United States*, 318 U.S. 236, 247-248 (1943), where the trial judge overruled, as made too late, objection of improper comments of the prosecutor.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

CONCLUSION

The judgment of conviction of defendant Moskowitz should be reversed and the indictment against the defendant dismissed.

Respectfully,

Samuel A. Neff,
Attorney and Counsel for Appellant,
Miriam Moskowitz,
40 Broad St.,
Borough of Manhattan,
New York City, N. Y.

Date Received 5/9/51

From Warden Thomsen
(Name of Contributor)

F.D.H., N.Y.C.
(Address of Contributor)

By S.A. A. Yamamoto
(Name of Special Agent)

To be Returned Yes( ) No (✓)

Description: Photostatic copy of ltr 4/29/51 from Jacob Freedus to N.A. Yorkowitz, removed from A. Brotherman's person

File No. 100-9634 in F.D.H.
~~1823~~ 1417

K3 - 4/29/51

Dear Nat,

This note is being sent you because of the urgent need for action on behalf of Brotman & Marion Moskowitz. No matter how busy you are, you must immediately take care of the various matters to be discussed in this note. Peoples liberty, their sole resources, & the peace of mind & happiness of their families are involved. Because of this, if you cannot come on Saturdays, come during the week. Your coming to the attention of Mr. K. will hurt me very little if any. Mr. K. may already know of your having come personally. He already knows of Mr Minton. Here are the various matters.

1. M. Moskowitz - You've been asked to prepare her appeal. You must get started on this immediately. In addition, most important, she was digitized this past Wednesday to file an "election not to serve form", otherwise they would have shipped her out of the city. Henceforth, while this form is in existence her time has ceased to count. It is my belief that this was done for the following reasons (a) No visits from an appeal lawyer (b) It is a city jail & not a Federal one - & why should the Warden then take responsibility for a Federal prisoner, especially when (c) She is ill, bad stomach & getting loose (d) A little troublesome - complaints about food, commissary & perhaps more. Therefore it is necessary to try to get the authorities (Warden & then Mr. Bennett, Director of Prisons in Wash.)

P. 2 - 4/25/61
NAM.

to allow her to stay until determination of her appeal, was ordinarily the practice with the money. If after a firm effort, this is unsuccessful then all matters must be straightened out (Tested chemicals, etc.) so that she can allow herself to be shipped out + thus not lose any more time than is necessary. She is eligible for on July 28th (8 months) plus the number of days for "Election" not to serve remains in effect". Ordinarily she has excellent chance for parole action. In view of the color in this case - the chances are slightly. However, more facts + color should be gathered to prove that she is innocent + not a "Commie". so as to aid her chances for parole. For the purpose of her appeal, + you should consult with MR. MINDIN. I don't think you have the time to argue this appeal this spring. Therefore you should get an extension of time until the fall + see what happens with her parole. The parole board will be here in June, + their decision comes a week later. Naturally if she gets parole, there would be no sense in appealing in the fall.

2. MRS. Brotherson has been shot naturally emotionally upset because of the ordeal for almost a year. On top of this she has financial difficulties. Will you therefore encourage her (GIVE HER) when he comes to see you plenty of time + patience. Encourage her to see you or call you anytime she feels the

To N. R. Mackowitz

2 (cont) This week Mrs Roth was ~~not~~ had ~~you~~ for your weekly visit on Monday. When she heard on Wednesday about M. Mackowitz ~~as~~ possible murder of his husband, she tried to see him on Wednesday but was turned away. Likewise on Thurs. & Friday. In desperation she asked Messing to come in to see Roth on SATURDAY & convey the message.

3. You must arrange promptly to see Mr Minton & ~~you~~ let him know that you and ~~attorney~~ you represent Roth now. Also discuss M Mackowitz case with him. If he won't then speak to Mr McNulty his partner. Tell Minton (or McNulty) that Rothman and you ~~&~~ that he understands that Minton may not want to argue the appeal until the fall. Anything that Minton wants to do is perfectly OK. Attorney of appeal is going to wait & ~~please~~ made strong appeal for bail. Carrying this out, will indicate to Minton that you represent Rothman & ~~or~~ displace Messing. Ask Minton about printing of minutes, & follow same up with Messing. Messing was given months ago $3.00 specifically for the printing. (Ask cost of same) — Messing when he was in SAT. (yesterday) said that Minton was ~~to~~ going to argue appeal in June (which means he has to file appeal within the next four days), & also that the minutes & brief were already printed. Follow up on all this immediately.

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NAM

4. Tested Chemicals Inc. — This matter has been terribly neglected & therefore requires prompt attention. The plant has been closed now for several months. Get together promptly with Mrs. Brothman & Clare Moroney (Thomas sister) for full details. It appears that all the other stockholders, except for Brothman & Moroney, want to make an assignment for benefit of creditors & want to ~~make~~ appoint Messrs as assignee. THIS MUST NOT TAKE PLACE for many reasons such as ~~be~~ (1) Mrs. Brothman's dishonesty & immorality (2) Mr. Brothman's conflict of interests (3) There is no need to waste the firm's funds that [illegible] of attorneys & [illegible]

(such as — When the plant was being built Brothman & M.M. worked practically continuously for 60 weeks — all of Sept. & ½ of October 1950 rendering engineering service for which Tested Chemicals were never billed. We want you to bill Tested Chem. immediately for this at the following reasonable ~~rates~~ 98 per hour for straight time for A.B. & 4 per hour for straight time for M.M., 1½ time for overtime & double time for SAT. & SUN. (These are fair & reasonable for the type of work) ~~Compute~~ the bill at average day of 14 Hours. During the week — 8 Hours straight time & 6 Hours overtime. Also 6 Sat & 6 Sun. at 14 Hours of double time. Place interest at 6% on this bill. Also 6% interest on P.B. & M.M. investment which is 4 or 6 times as large as the others. Of course,

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N.A.N.

10/ N. H. Monmouth

in order to do the job, you'll have to demand & get promptly from Neal (Tested Chemicals, Inc.): all agreements, resolutions, copies of minutes, financial statements (indicating profit & loss, how much has been advanced or loaned to Corp. by various individuals, & how much each individual has paid for his stock), copy of lease agreement (10¢ a lb.) with Abe Brotman, copy of licensing agreement (5½¢ a lb.) that Pressing convinced to get Norm Roth now to put in $25,000 from bail money into the business, agreement whereby the Teaneck one came into the Tested Picture — At this point I want to emphasize that a registered notice should be sent to Tested Chemicals Inc. cancelling the sale of the PATENTED process ~~into~~ (or licensing agreement) by which TESTED were making their product. This "provided for" payment of 10¢ a lb. Point out that this agreement is being cancelled for a number of reasons: 1. FAILURE to pay. (2) FAILURE to stay in operation (3) No future, etc.

LIQUIDATION of Tested Chemicals can be accomplished by two methods (1) Sale of assets, by unanimous consent of stockholders in bulk to private bidders (2). Sale of assets piece meal or in bulk (whichever bid is higher) at a public auction sale.

With reference to #1, Roth now would very much prefer that before anything takes place, that the other stockholders exchange releases with Brotman. Otherwise they could bring

P.C. 4/7/51
U.A.N.

all kinds of costs, charges, fees, etc. [illegible] the same type of [illegible] dealing with [illegible] verbal agreements with [illegible] activities. (There are a "few" kinds of [illegible] of liquidation is the simplest to accept, but [illegible] the most difficult because of the [illegible] between the stockholders + Bottomley [illegible] + I fear because of inability to get [illegible] releases from the lawyers, filing, etc. then [illegible] will be necessary. The disadvantage of plan 2 is that it is more expensive to carry out (and [illegible] + it may bring [illegible] the question of assignee. After all L.T. has $8,0[illegible] in [illegible] the money invested. [illegible] should Bressing even be co-assignee. (By the way Bottomley [illegible] return of money to the stockholders [illegible]

5. The mailing of the broke records, which are down at Foley Square, should be delayed until after the Internal Revenue agents finish doing [illegible].

6. After you have digested the letter, discuss it with Mrs Bottomley, Clara Mossinsky, & "[illegible] M.M. You should arrange to bring A.B. & M.M. to Foley Square, so that they can [illegible] they are [illegible]

P.2 — 4/25/74

Sundin will give. There is at present an injunction against the, only I think I have a couple of weeks to file the fine. Therefore it should not be too difficult to bring the matter again on the writ for a new trial based on any one of the following (1) Straight forward fine (2) Jurisdiction of appeal of 1974 & proposed bill presented.

7. By the way, months ago A.B. asked Messing for his file, including agreements, etc. Messing stalled several times for a couple of weeks & finally indicated that he want you to give him the file. You must get Both into a complete file from Messing, including (a) agreement of A.B. with Lawson & Imperial Chemicals LTD. (which A.B. considers now null & void) (b) Agreement of A.B. associates with Industrial Process Engineers (LEWINSON) — under which A.B. intends to be for money due. → I.P.E. should be pressed on for money & accounting of funds owed A.B.A. (STORIES can be told of the Lawson's practice of phony SOMETIMES BANKS & false signatures of what SHOULD & MUST STILL of false amounts of orders on hand)

As you can really see there is quite a bit of work to be done & to be done promptly. The need want to assure you at the time that you will be paid in full for your fees & soon. So please get started promptly. Thanks a lot. J.F.

UNITED STATES
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

OFFICIAL BUSINESS

Date Received 7/27/51

From USA SDNY
(Name of contributor)

(Address of contributor)

By John M Collins
(Name of Special Agent)

To Be Returned Yes ( )
No (X)

Description: Photostatic copy of decision of Circuit Court of Appeals in case entitled U S v Brotman & Mensowitz

File No. 100-96341 - 1A18

UNITED STATES CIRCUIT COURT OF APPEALS

FOR THE SECOND CIRCUIT

No. 20—October Term, 1940.

(Argued January 21, 1941.) (Decided Jan. 20, 1941.)

Docket No. 22039.

UNITED STATES OF AMERICA,

Appellee,

—v.—

ALBERT BROMBERG and JOHN NOSTRO,

Defendants,

BROMBERG,

Defendant-Appellant.

Appeal from the United States District Court for the Southern District of New York.

Before Judgments of conviction entered on and after verdicts upon an indictment charging both defendants with one count of robbery and defendant Bromberg with one count of the substantive offense, all defendants have appealed. Affirmed as to conspiracy count, reversed as to substantive counts.

1728

[illegible] Attorney for appellant

[illegible] William McNulty, Counsel

[illegible] Attorney for appellant

[illegible]

[illegible] Attorney for appellee

[illegible] Brum Schulmann, Roy M. Cohn

[illegible] Jerome Lewis and Sterling D. Robinson

[illegible] United States Attorney

[illegible]

[illegible]

[illegible] appellants [illegible] appellants

[illegible] Brahman [illegible]

[illegible] Brahman [illegible]

[illegible] Brahman [illegible]

[illegible] Brahman [illegible]

[illegible] Brahman [illegible]

[illegible] Brahman [illegible]

[illegible]

[illegible] Wherefore [illegible] conspiracy count in the [illegible] grand jury [illegible] the southern district of New York [illegible] investigation of possible violations of the espionage laws. Brahman and [illegible] witnesses before the grand jury [illegible] charged that both

appellants together with Gold, who was named as a conspirator but not as a defendant, agreed that Brothman should give false testimony before the grand jury, should inform Gold thereof, and Gold should likewise give false testimony consonant with Brothman's. The case against the appellants was made largely by the testimony of Gold. Moskowitz does not question the sufficiency of the evidence to prove that such a conspiracy existed between Brothman and Gold, but contends that she was not shown to have been a party to it. An examination of the record convinces us beyond doubt that the contention is groundless. Without discussing the evidence in detail, it will suffice to recite the following which tends to show that she energetically assisted in making the false stories of the two main actors. When Gold had been interviewed by agents of the Federal Bureau of Investigation he recounted in the presence of Brothman and Moskowitz what he had told the agents, and Brothman certainly intended to make a very different story. The inference that the story was false must have been obvious to Moskowitz. She was also present when Gold recited to Brothman about his espionage activities, because Brothman was already deeply enough involved. When Brothman was considering testifying before the grand jury, he told a story different from that he had originally told the F. B. I. agents. Moskowitz expressed concern, and told Gold she was going to tell Brothman to stick to the original story. And she later told Gold that she and attorney Nudelman persuaded Brothman to do so. Finally, on the night before Gold was to testify, Moskowitz said that she wished to go home early so that Brothman and Gold would have plenty of time to patch out a story before my appearance before the grand jury the next morning.

The next contention of appellant Moskowitz is that she was unduly influenced by improper influence of the prosecutor

[illegible]